

UNREDACTED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
VS)	NO.1:19-cr-10040
)	JACKSON, TENNESSEE
)	
JEFF YOUNG)	

DETENTION HEARING

VIA FTR RECORDING

APRIL 17, 2019

BEFORE THE HONORABLE JON A. YORK,
UNITED STATES MAGISTRATE JUDGE

KRISTI HEASLEY, RPR
OFFICIAL COURT REPORTER
U.S. COURTHOUSE, SUITE 450
111 SOUTH HIGHLAND AVENUE
JACKSON, TENNESSEE 38301

UNREDACTED TRANSCRIPT

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EXAMINATION INDEX

JOHN TANKERSLEY

DIRECT BY MR. KNUTSON
CROSS BY MR. FERGUSON

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EXHIBITS

NO EXHIBITS MARKED

UNREDACTED TRANSCRIPT

1 (Defendant Present.)

2 THE COURT: Next case is case number
3 19-cr-10040, United States versus Jeffrey Young, Jr.

4 We are here for a detention hearing.

5 Mr. Ferguson?

6 MR. FERGUSON: Yes, Your Honor.

7 THE COURT: Mr. Knutson?

8 MR. KNUTSON: Yes, Your Honor, Jason
9 Knutson for the government.

10 THE COURT: Okay. I'll get it right by
11 the end of the day.

12 Government is moving for detention in this
13 case as well?

14 MR. KNUTSON: That is correct. And it's
15 also a rebuttable presumption case number 3142(e).

16 THE COURT: Mr. Ferguson.

17 MR. FERGUSON: Your Honor, we're ready to
18 rebut that presumption. I think the government will tell
19 you why they think (inaudible). This obviously is a case
20 that for Mr. Young and I, we've been dealing with at
21 least the last two years. This case has, based on the
22 indictment, has an ongoing conspiracy alleging the
23 distribution of drugs within the community of the Western
24 District of Tennessee between the years, I believe it was
25 2014 to 2017.

1 That gives us a two year period in which
2 the government is not making any allegations that Mr.
3 Young engaged in any criminal activity that has injured
4 or threatened the health and safety of the citizens of
5 the Western District of Tennessee.

6 And, in fact, I will go straight to what I
7 believe this Court's concern is, which is going to be the
8 ongoing safety of the community, and what conditions have
9 been put in place in these last two years to ensure the
10 safety.

11 Again, I'm sure the Court has or will read
12 the pre-trial report. Understand that he's been a
13 resident of Jackson for almost forty years. He's not a
14 flight risk.

15 Again, briefly, Your Honor, not to belabor
16 the point. Two years ago his practice and house was
17 raided by the DEA. He's been through a nursing board
18 hearing on this matter. Been through seizures. And
19 (inaudible) based on these allegations. Had federal
20 cases in this courthouse to return his property from
21 those search warrants.

22 And so for over two years we've known the
23 facts and circumstances surrounding this case. If he's
24 going to be a flight risk, he had two (inaudible). So
25 again, I think that the Court is correct, the issue is

1 safety.

2 As a part of this ongoing investigation,
3 the local police and Federal agency, joint task force,
4 either made it known or it became known to the Board of
5 Nursing, and several petitions were filed with the
6 nursing board alleging the same and/or similar events
7 that are contained within the indictment that we're here
8 on today.

9 There is a, almost a year long process in
10 which the Board of Nursing investigated these
11 allegations. They had multiple depositions. We were set
12 to go to trial, we had our experts lined up. Between our
13 side and the attorneys for the state of Tennessee, and
14 the Department, I think it's the Board of Nursing, we
15 entered into a consent decree which, where Mr. Young did
16 not admit any wrongdoing, but agreed that the board -- if
17 the (inaudible) had proceeded, it was likely they would
18 have put on evidence as far as a civil nature went there
19 may be grounds in which they would be able to (inaudible)
20 the parties must enter into a consent decree.

21 The terms and conditions of that consent
22 decree, which was filed and entered on November 2018,
23 about six 6 months ago, five months ago, are controlling
24 on Mr. Young right now. They are restrictive. They are,
25 as the Board of Nursing stated in the order, they are

1 designed to protect not only the integrity and
2 verification of all physicians and caregivers in the
3 state of Tennessee from unethical practices of others,
4 but it's also, and more importantly, to protect the
5 health and safety of citizens in the state of Tennessee
6 and another state.

7 In that order the parties agree that he
8 would be placed on probation for two years. He is, his
9 privilege to practice in any other state is void. So he
10 cannot transfer his license to circumvent the conditions
11 and the stipulations that I'm stating to the Court. He
12 is to surrender his Schedule II prescription, or his
13 ability to write prescription II.

14 There was also in a -- because again --
15 and I would submit -- I keep hearing the government talk
16 about Schedule IV. Of course, if you're familiar with
17 the schedules, the farther down you go the less and less
18 danger, the less and less addictive they are.

19 I'm not really sure why they are skipping
20 (inaudible) II and III, which were the ones that were
21 more addictive and more subject to abuse.

22 He also surrendered his Schedule III,
23 except for he -- and again, based on the agreements that
24 we made with the state of Tennessee, he maintained his
25 privilege to prescribe what we would consider

1 testosterone and testosterone like drugs, and also
2 Tylenol with codeine, which is a controlled substance.
3 It's in cough syrups that would be normally prescribed --
4 somebody that had a bad cough would get Tylenol with
5 codeine.

6 But what hasn't been addressed here in
7 this Court, and what I think that when you are dealing
8 with healthcare providers and people who understand how
9 to set up and establish safely nets, safety standards,
10 when they (inaudible) allow him to continue to prescribe
11 those limited Schedule III and Schedule IV and Schedule
12 V, that he is not to prescribe more than 30 morphine
13 equivalent daily doses, or what are called meds,
14 (inaudible) meds, as determined and reviewed by the
15 Tennessee Controlled Substance Monitoring Database.

16 Now somebody has already addressed the
17 TCSMD, which is the statewide database that keeps up with
18 doctors' prescribing habits.

19 So not only is he being monitored for what
20 he is prescribing. If -- he doesn't prescribe it, and
21 can't prescribe whatever he wants to. He is limited in
22 degree and number. And again, that's a condition of the
23 ongoing probation with the Board of Nursing.

24 He shall demonstrate compliance by
25 providing a quarterly copy of his CSM (inaudible) to the

1 Board of Nursing. And that he will submit a notice and
2 formulary, how do you spell it, F-O-R-M-U-L-A-R-Y,
3 showing that he has an active supervising physician.

4 And I think this is real key. Your Honor,
5 had some MDs in it -- (inaudible) supervising physicians.

6 Mr. Young is a nurse-practitioner. He has
7 a BS in Nursing. He has a Masters in Nursing. He has
8 had some course work to his doctorate.

9 He can't practice as a nurse practitioner.
10 He cannot prescribe medications without a licensed
11 medical doctor who is his, who is supervising him.

12 Obviously, what we've seen today with some
13 of the doctors that have been in here, that's not
14 foolproof. However, since we have known about this for
15 the last two years, and this is -- now that this is in
16 place, there is no doubt that anybody that is asked to
17 supervise him, supervises Mr. Young, knows of his
18 situation, and knows of the conditions of why it would be
19 very dangerous for them not to take that supervision very
20 seriously.

21 Obviously, they would probably conduct
22 (inaudible).

23 So he has -- and only if he can continue
24 to find doctors that will supervise him will he be able
25 to prescribe to patients.

1 THE COURT: Is he currently under the
2 supervision of any MD?

3 MR. FERGUSON: Yes, he is. He is
4 practicing.

5 What happened was, is around 2017, at the
6 end of this alleged conspiracy, he was driven out of his
7 practice by competing interests within the practice. He
8 shifted off and moved into a whole different field and is
9 now doing about 80 percent of cosmetic, cosmetic work.
10 I'm not sure how to say it any better than that. And so
11 his practice has completely changed. He's no longer
12 doing the high volume.

13 And I'm sure the government is going to
14 get up here and tell you about how many drugs and what
15 his drugs, how many he sold or prescribed and all of
16 this.

17 But again, I was thinking while I was
18 sitting here, I'm not a baseball fan, but (inaudible) if
19 I got up here and told you, I only hit one time
20 (inaudible) be able to say they hit 10 times, sounds like
21 they're 10 times better than me, but probably (inaudible)
22 hit once in about 100 times -- the bottom line, it's an
23 issue of numbers.

24 He had a very high volume practice. Also
25 led to what ended up being the problem with the board is

1 that he had really substandard recordkeeping, which is
2 not what you want to be a licensed professional. It
3 would be like an attorney who didn't keep good records.
4 And that goes back to (inaudible).

5 So we have an issue now where based on
6 that he cannot, he cannot, he cannot prescribe again the
7 Schedule II or the Schedule III. And at the end of the
8 two year supervised probation with the board, once that
9 expires, he still can't prescribe Schedule II drugs.
10 Unless and until he takes certain classes, agrees to
11 certain conditions of having a one year practice
12 monitoring who will make sure he's being compliant and
13 has best record keeping processes in place.

14 He abides by all the recommendations that
15 that monitor makes. He doesn't have the authority to
16 override the monitor. Whatever the monitor says, goes.
17 And that that monitor is Court ordered, or we should say
18 board ordered that he shall review at least 10 cases
19 every 90 days. That he monitor his cases by Mr. Young.
20 And monitor and review more than that if he feels it is
21 necessary and appropriate.

22 Again, he also has, the supervising
23 physician has to sign off on a certain number of his
24 records depending on what is done for that patient
25 contact.

1 So there is -- of course, all the money --
2 so he is unlike anyone else that's been before you today.
3 He has already dealt with and addressed the civil side,
4 not the criminal side. He is currently being monitored.
5 And that monitoring is designed and set up by people in
6 the medical community who know the medical practice, and
7 know the best practices to put in place to supervise him.

8 The government gets back to the Schedule
9 IV. I don't know if anyone in here could name me all the
10 Schedule IV drugs. It makes no sense to say we want to
11 (inaudible) in all Schedule IV.

12 The board, through its experts and
13 expertise in this case, and in these facts, and with the
14 knowledge of how best to protect the citizens of
15 Tennessee, have established these as the appropriate
16 grounds to ensure the safety.

17 And I would ask the Court to incorporate
18 this agreement, or that he maintains his practice in
19 accordance with this as a condition of his release.

20 Pre-trial has interviewed him. And based
21 on his interview and have heard all their findings,
22 they're recommending a 5,000 unsecured bond.

23 I think that based on his connections to
24 the community, and again with the agreed order, that he
25 is, has to maintain in order to practice -- he has no

1 choice not to practice. And if he chooses not to follow
2 that agreement, he won't be practicing. And again, he
3 won't be a threat, and under that agreement he can't be a
4 threat.

5 So I think that should satisfy this Court
6 that conditions are in place to protect the community.

7 THE COURT: Thank you, Mr. Ferguson.

8 Mr. Knutson. Did I get it right that
9 time?

10 MR. KNUTSON: Yes, Your Honor. Thank you.

11 Your Honor, there is not going to be an
12 issue with the government parsing through the schedules
13 in this case, because we don't think he should be
14 practicing at all. He shouldn't have a license right
15 now. And he shouldn't be exposing himself to patients in
16 a position of trust, considering all the evidence that
17 the government has against him.

18 Your Honor, we would like to do some of
19 this by proffer, but we also have one short witness that
20 we would like to call.

21 THE COURT: Sure.

22 MR. KNUTSON: And that's John Tankersley.

23 THE COURT: Go ahead and call that witness
24 now.

25 MR. KNUTSON: John Tankersley.

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1 JOHN TANKERSLEY THEREUPON CALLED AS A WITNESS
2 ON BEHALF OF THE GOVERNMENT, AND HAVING BEEN FIRST DULY
3 SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

4 DIRECT EXAMINATION

5 THE WITNESS: Yes.

6 THE CLERK: Please, be seated.

7 BY MR. KNUTSON:

8 Q. Please state your name for the record.

9 A. Sure. John. Last name is Tankersley, that's
10 T-A-N-K-E-R-S-L-E-Y.

11 Q. Who do you work for?

12 A. The Drug Enforcement Administration.

13 Q. How long have you worked for the DEA?

14 A. Twenty-one years.

15 Q. Are you aware of an investigation into a Jeff
16 Young?

17 A. Yes, sir.

18 Q. And did the DEA, in their investigation, speak with
19 many of Jeff Young's former employees?

20 A. They did.

21 Q. Did they speak to -- did they tell the DEA about
22 inappropriate relationships that Mr. Young had with
23 patients?

24 A. They did.

25 Q. And what did they say?

1 A. Said that Mr. Young had many, many woman that
2 frequented the clinic that he was at. They were coming
3 in front door, back door, going straight to his office,
4 where they were trading sex for prescribed drugs,
5 scheduled drugs.

6 Q. Is that true that actually many witnesses said
7 that, correct?

8 A. Yes, sir.

9 Q. And how did those witnesses say they knew that he
10 was trading sex for controlled substances?

11 A. He would boast about it. And also he had, he would
12 show pictures on his phone of the activities, sexual
13 activity.

14 Q. So he would show pictures to the other employees at
15 his office?

16 A. That's correct, sir.

17 Q. So did DEA, were they able to corroborate those
18 statements by the many witnesses?

19 A. Yes.

20 Q. And did they perform a search warrant on
21 Mr. Young's phone?

22 A. They did.

23 Q. And what did they find on Mr. Young's phone?

24 MR. FERGUSON: Judge, I want to object at
25 this time. If this is showing that he is a current

1 danger at this time, we need some dates.

2 Because if we're talking about the
3 allegations that are contained in the indictment, they
4 are just allegations and they have to be -- not for this,
5 I understand, but somewhere down the road they're going
6 to be subject to cross-examination and an investigation.
7 We'll actually have discovery and know about this.

8 This issue is we're talking about things
9 that happened years ago, I'm assuming, but I've not heard
10 any dates.

11 And if they're not recent, I'm going to
12 object to the, on the grounds that they're not relevant
13 to his threat to the community at this current time.

14 THE COURT: I'm going to overrule your
15 objection. I think this might be worth (inaudible) the
16 way that Mr. Young engaged with some his patients. I'll
17 let the government clarify (inaudible).

18 BY MR. KNUTSON:

19 Q. Isn't it true that the initial search warrant on
20 Mr. Young's clinic was on or about January of 2017?

21 A. Yes, sir.

22 Q. Was the search warrant on the phone on or about
23 that time frame?

24 A. Yes, sir.

25 Q. And so what was seen on the phone after the DEA

1 looked at the phone?

2 A. Mr. Young having sexual activities with a lot of
3 woman on the phone.

4 Q. Okay. And was there one in particular that showed
5 that Mr. Young could be a danger to the community?

6 A. Yes.

7 Q. Can you tell us about that?

8 A. There was a young woman that Mr. Young was having
9 sex with that appeared to be lifeless, motionless, eyes
10 closed.

11 Q. And did agents determine who that woman was?

12 A. Not at this point, sir.

13 Q. Okay. Was that a video of that woman that appeared
14 Mr. Young was having sex with?

15 A. That's correct.

16 Q. And also did agents review a patient file for a
17 patient AR in this case?

18 A. Yes, sir.

19 Q. I mean HR.

20 A. That's correct.

21 Q. Is that the same HR that's alleged in the
22 indictment in Counts 2 through 7?

23 A. That's correct.

24 Q. Did they also have an expert review the file, Jeff
25 Young's file of patient HR?

1 A. They did.

2 Q. And what did that patient file show?

3 A. That the young lady was pregnant.

4 Q. Okay. Were there several notations in the patient
5 file showing that Mr. Young knew that the young lady was
6 pregnant?

7 A. That's correct.

8 Q. Okay. And did it also have, show the prescriptions
9 that Mr. Young was prescribing to HR while she was
10 pregnant?

11 A. That's correct.

12 Q. Are those reflected in Counts 2 through 7 in the
13 indictment, and do they include Oxycodone and
14 Hydrocodone?

15 A. That is correct.

16 Q. Did the agents investigate what happened to patient
17 HR's baby?

18 A. They did.

19 Q. What did they find out?

20 A. They reviewed the file. They also did a interview
21 of her. And came to the conclusion that the baby was,
22 suffered from withdrawals from opiate addiction.

23 Q. So the baby was born, but it was born addicted to
24 opioids. Is that correct?

25 A. That's correct.

1 MR. KNUTSON: I pass the witness.

2 CROSS-EXAMINATION

3 BY MR. FERGUSON:

4 Q. You don't know who the person was on the phone, do
5 you?

6 A. (No verbal answer.)

7 Q. The phone, you don't know who the person was.

8 A. No, sir.

9 Q. No charges have been filed.

10 A. That I'm aware of.

11 Q. Nobody has come forward and said I was raped.

12 A. That I'm aware of.

13 Q. Don't know what was going on on that phone.

14 A. No, sir.

15 Q. Just looked at it?

16 A. No, sir, I didn't look at it.

17 Q. Who looked at it?

18 A. Other agents.

19 Q. Have you seen it?

20 A. I have not.

21 Q. How do you know what it shows?

22 A. They told me.

23 Q. So your testimony, you're telling a story about
24 something you have no personal knowledge about.

25 A. That's correct.

1 MR. FERGUSON: Move to strike.

2 MR. KNUTSON: Your Honor, the Rules of
3 Evidence don't apply. Hearsay is admissible in this type
4 of hearing.

5 THE COURT: I agree that hearsay is
6 admissible.

7 MR. FERGUSON: Well, it's got to be --
8 well, that's fine. Thank you.

9 BY MR. FERGUSON:

10 Q. Since 2017, have you done any further investigation
11 of Jeff Young?

12 A. I haven't, sir.

13 Q. Are you aware of any other ongoing investigations
14 of Jeff Young?

15 A. I'm not sure, sir.

16 Q. And are you aware of any other criminal activity of
17 Jeff Young alleged as a hearsay (inaudible)?

18 A. I'm not privy to that, no, sir.

19 Q. Were you ever asked by the Board of Nursing for
20 your opinion or your information you developed during the
21 course of your investigation?

22 A. No, sir.

23 Q. Did you know there was an ongoing Board of Nursing
24 investigation into Mr. Young?

25 A. No, sir.

1 Q. Are you aware there was a consent order entered
2 against Mr. Jeff Young?

3 A. No, sir.

4 Q. Even though it was in the (inaudible) social media
5 in Jackson, passed around through Facebook postings and
6 the newspaper and on TV?

7 A. No, sir.

8 Q. Are you (Inaudible)?

9 A. I am.

10 Q. Okay.

11 A. I was out there, yes, sir.

12 Q. Were you aware that Hydrocodone is not
13 contra-indicated with pregnancy?

14 A. Sir? No, sir.

15 Q. And you're not suggesting to this Court that a
16 prescription of Hydrocodone is contra-indicated to
17 pregnancy?

18 A. Repeat that, sir.

19 Q. You're not suggesting to this Court that a
20 prescription of Hydrocodone is contra-indicated during
21 pregnancy.

22 A. I'm not sure, sir.

23 Q. Okay. And Jeff Young has been aware that he's been
24 under investigation since 2017?

25 A. I'm not sure, sir.

1 Q. What was your role in this?

2 A. I have been involved with this investigation, but
3 in middle Tennessee and east Tennessee area.

4 Q. I know. In Jeff Young's investigation, what is
5 your role in Jeff Young's investigation?

6 A. I have no role in it at all, sir.

7 Q. Why are you testifying?

8 A. I'm testifying on behalf my fellow agents.

9 Q. Okay. Is there a reason why they can't be here
10 today to testify as to their personal knowledge?

11 A. I have no idea, sir.

12 Q. Did you hear what I had to say about Jeff Young and
13 all of his knowledge and training he has gone through?

14 A. I have, sir.

15 Q. Do you have any indication that anything I said is
16 not correct or true?

17 A. I have no idea.

18 Q. Did you hear what I told this Court, and as an
19 officer of this Court that I would be subject to this
20 Court's at least wrath (inaudible), did you hear what I
21 said about the Board of Nursing?

22 A. Yes, sir, I heard everything you said.

23 MR. KNUTSON: Objection to the relevance
24 of whether he heard it or not. I think this is
25 repetitive. He's already said that he was one of the

1 main case agents, so I object on those grounds.

2 MR. FERGUSON: Goes to the weight.

3 THE COURT: I agree, Mr. Ferguson.

4 However, the witness answered he hasn't seen the consent
5 order, so --

6 MR. FERGUSON: Thank you, Judge. That's
7 all I have.

8 THE COURT: Mr. Knutson.

9 MR. KNUTSON: Your Honor, I have no
10 further questions for this witness. However, I do have
11 additional evidence to proffer.

12 THE COURT: Mr. Tankersley, you can step
13 down.

14 THE WITNESS: Yes, sir.

15 MR. KNUTSON: Your Honor, as Mr.
16 Tankersley testified to, the government could put
17 witnesses up there, many of them who are ex-employees of
18 Jeff Young, who would say that he exchanged controlled
19 substances with his patients for sex. And they knew that
20 because he told them. He bragged about it.

21 THE COURT: Mr. Knutson, I understand
22 that. I've taken into consider what the agent just
23 testified to. But I think that goes to the argument that
24 needs to be made to the District Court when it comes to
25 the question of whether he is innocent or guilty of these

1 charges.

2 My concern today is simply, does he pose
3 any type of danger to the community if he is released?

4 MR. KNUTSON: Yes, sir.

5 THE COURT: And from what Mr. Ferguson has
6 advised the Court, is that there are severe restrictions
7 on Mr. Young's ability to practice medicine right now
8 that apparently was at the satisfaction of the Tennessee
9 Board of Nursing.

10 I guess I need the government to tell me
11 why the Tennessee Board of Nursing's restrictions are
12 insufficient in this case to protect the public from
13 Mr. Young if he's released on pre-trial release.

14 MR. KNUTSON: Well, first of all, there
15 was an investigation for a long time and nothing actually
16 was done to restrict his license (inaudible) took down
17 (inaudible).

18 And as far as the Tennessee Nursing Board,
19 I've read that agreed Court order. It didn't talk about
20 having sex with patients in exchange for controlled
21 substances. It didn't include all the evidence that's
22 been gathered through this investigation.

23 And it doesn't -- it's not -- it doesn't
24 just go to, well, can he prescribe or see patients?
25 Because as this case is differentiated from many of those

1 other cases, I mean, has as all the other stuff, the
2 trinity and all that stuff.

3 But how it's differentiated is you have
4 like people who are trusting this guy. And he's using
5 his power to prescribe to exploit them. You have a guy
6 that on his phone is in having sex with an unconscious
7 woman.

8 That doesn't go to, well, is he a good
9 practitioner? Is he going to prescribe the right things?
10 That goes to a guy who is using a position of power that
11 he still has. Yeah, he can't control or prescribe
12 controlled substances to a degree. But using that to
13 exploit people. Right? So he's in a whole different
14 area here.

15 And that's something that just doesn't go
16 away when you take their license away. That doesn't go
17 away when you take their DEA prescribing rights away.

18 And you put that in combination with his
19 criminal history the Court has seen, which is violence
20 towards woman. That he has a drinking -- well, as
21 several of his former employers would say, he came to the
22 office intoxicated. If we put evidence up there, if we
23 put witnesses up there, he smelled of marijuana and he
24 treated patients in that condition.

25 So this is a totally different ball game

1 than just the prescribing. This is a guy also who
2 suffers from depression, and at least one witness that we
3 spoke to was suicidal.

4 So I think he's a danger to himself also.
5 But he's certainly, with the way he's manipulated people,
6 and the way he's exploited patients, should not be able
7 to practice medicine.

8 And I guarantee you the board didn't
9 consider all those things when they did something that
10 was pretty extraordinary for the board and didn't allow
11 him to prescribe Schedule II controlled substances and
12 others. That is not in the Court order. These things
13 are not in the Court order.

14 We have to do something to stop him from
15 exploiting patients again. And I think that's the main
16 reason the government believes that he should be
17 detained, so no else is exploited.

18 And the government would request that on
19 that basis.

20 MR. FERGUSON: Your Honor, I have to
21 object to a few things the government just said.

22 I don't believe he was in the room with us
23 when we were discussions what the board reviewed
24 (inaudible). Everything that (inaudible) two years ago.
25 Everything that the government told you that the board

1 didn't consider (inaudible) because the government
2 (inaudible) stuff, they had no basis in fact.

3 Every bit of that was discussed at the
4 Board of Nursing. (Inaudible). This community is safe
5 because the board -- again, it's the board (inaudible) is
6 that the word? That fellow government, state government,
7 kind of give differential respect to each other.

8 Licensing for doctors is a state
9 function -- excuse, me for nurses is a state function.
10 Your job is to ensure the safety. And I'm sure you will
11 do that.

12 I think again safety has been guaranteed
13 by the board.

14 THE COURT: Mr. Ferguson, do you have a
15 copy of that consent decree or the order?

16 MR. FERGUSON: I do, Your Honor. I've
17 been writing on it. If you would (inaudible).

18 THE COURT: Sure. I'd like to review it.

19 MR. FERGUSON: At the bottom of page four
20 starts the order.

21 (Pause in Proceedings.)

22 THE COURT: For purposes of the record,
23 the Court has reviewed an agreed order that was entered
24 on November 8th, 2018, the state of Tennessee Department
25 of Health before the Tennessee Board of Nursing, Docket

1 No. 17.19-1517998, styled in the matter of Jeffrey W.
2 Young, Jr, RN/APRN respondent.

3 This is an agreed order in which defense
4 counsel has previously referenced in this matter. There
5 was a number of restrictions that was placed on
6 Mr. Young's ability to practice medicine as a nurse
7 practitioner in the state of Tennessee.

8 Mr. Knutson, I assume you have a copy of
9 this order?

10 MR. KNUTSON: I do, Your Honor, but not
11 with me.

12 THE COURT: Okay. Because this isn't a
13 clean copy, I'm not going to make this an exhibit. But I
14 have identified it --

15 MR. FERGUSON: It's a public record and on
16 line, so it's easily accessible and can be referenced by,
17 incorporated by reference to the Board of Nursing's
18 website.

19 THE COURT: Okay. We'll return your
20 marked up copy. Yes. We will make one -- going on to
21 their website and getting (inaudible).

22 Mr. Ferguson, is there any other
23 statements you would like to make at this point?

24 MR. FERGUSON: No, Your Honor. Just that
25 we are hoping the Court will accept the recommendation of

1 pre-trial.

2 THE COURT: Mr. Knutson?

3 MR. KNUTSON: Your Honor, we would reurge
4 that the evidence has shown that he's a danger to the
5 community, and we ask for you to detain him accordingly.

6 THE COURT: Thank you.

7 If my determination was based upon the
8 conduct that was alleged that Mr. Young may have
9 committed that gave rise to this indictment, without
10 question he would be detained for the duration of this
11 matter. But that's not what my inquiry or focus is on.
12 It's whether he's a flight risk or a present danger to
13 the community.

14 As far as flight risk is concerned, I find
15 that Mr. Young is not a flight risk. He has lived in the
16 Jackson, Tennessee, area for most of his life. He has
17 family here. Has practiced medicine here for a number of
18 years. So I do not find that he's a flight risk.

19 As far as him being a danger to the
20 community, that's a much closer call. The allegations
21 against Mr. Young's behavior that gave rise to this
22 indictment is quite disturbing.

23 However, a lot of my concerns are allayed
24 based upon the agreed order that the Board of Nursing has
25 entered into in this case, which has severely restricted

1 Mr. Young's ability to practice medicine as a nurse
2 practitioner in this community.

3 I do give credit to the Board of Nursing
4 who investigated this matter. And after their
5 investigation, they found that these were adequate
6 restrictions to place upon Mr. Young to protect the
7 public from him in his capacity as a healthcare provider.

8 So I am going to deny the motion, the
9 government's motion to detain Mr. Young pending
10 resolution of this matter. And I am going to, as a
11 condition of his release, incorporate the Board of
12 Nursing agreed order and all of those conditions that
13 were placed upon his practice.

14 I am also going to order that Mr. Young be
15 supervised by pre-trial services. That he continue his
16 employment in accordance with the agreed order from the
17 Board of Nursing.

18 Does Mr. Young have a passport?

19 MR. FERGUSON: He does not. I believe
20 it's -- no, he does not have a passport.

21 THE COURT: Okay. He will not apply for a
22 passport. And he is restricted to reside any traveling
23 in the Western District of Tennessee.

24 Mr. Ferguson, if Mr. Young seeks to travel
25 outside of West Tennessee, he will need to notify the

1 government as well at the Court and to get permission
2 from the Court.

3 MR. FERGUSON: Yes, Your Honor.

4 THE COURT: To avoid all contact directly
5 or indirectly with any person who is or may be a victim
6 or witness in the investigation of prosecution.

7 He will comply with any directions from
8 pre-trial services, as far as any medical or psychiatric
9 treatment.

10 No use of any controlled substances that
11 are not lawfully prescribed to him.

12 No use of any street drugs, marijuana or
13 anything along those lines.

14 No excessive use of alcohol.

15 I do have a little concern with some of
16 the prior battery and domestic violence.

17 MR. FERGUSON: All --

18 THE COURT: I know they've been pre-trial
19 diversion and --

20 MR. FERGUSON: The other one was dismissed
21 and --

22 THE COURT: -- dismissed. However, the
23 pre-trial services does indicate that Mr. Young possess
24 as firearm. Is that correct?

25 MR. FERGUSON: He does. Your Honor, he

1 has, or would have access to it. It needs to be -- his
2 father is here. And if the Court is so inclined, I think
3 his father should be the one -- since they don't live
4 together, his father should -- he should divest himself
5 of it. He shouldn't be holding on to it.

6 I'm assuming the father -- you would be
7 okay with that?

8 THE DEFENDANT: Sure.

9 MR. FERGUSON: And then with the
10 understanding that he's not to have access to it.

11 THE COURT: Because I don't want Mr. Young
12 to have access or possess any firearms.

13 MR. FERGUSON: I would agree.

14 THE COURT: Is there anything else from
15 pre-trial services?

16 I am going to place a \$5,000 unsecured
17 bond on him.

18 MR. FERGUSON: Thank you.

19 THE COURT: We are working on some
20 paperwork.

21 MR. FERGUSON: Thank you.

22 THE COURT: While we are waiting on that
23 paperwork, we can go ahead and arraign Mr. Young.

24 MR. FERGUSON: Yes, sir. We would
25 (inaudible) -- we would enter a plea of not guilty.

1 Mr. Young is (inaudible).

2 THE COURT: I will enter a not guilty plea
3 on Mr. Young's behalf.

4 The next court appearance will be set by
5 Judge Breen in this matter. Mr. Ferguson will have 30
6 days in which to file any pre-trial motions.

7 MR. FERGUSON: Thank you, Your Honor. May
8 I be excused?

9 THE COURT: Wait just a minute. We are
10 working on the paperwork.

11 MR. FERGUSON: Sure.

12 THE COURT: It's almost done.

13 (Pause in Proceedings.)

14 THE COURT: Mr. Young, I'm going to remand
15 you to the custody of the United States Marshal Service
16 and they will process you.

17 Thank you, Mr. Ferguson.

18 MR. FERGUSON: Thank you, sir. Very nice
19 to meet you.

20 (End of Proceedings.)

21 (End of Requested Material.)

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1 I, Kristi Heasley, do hereby certify that the
2 foregoing 34 pages are, to the best of my knowledge,
3 skill and ability, a true and accurate unredacted
4 transcript from the FTR recording in the matter of:
5 UNITED STATES OF AMERICA

6 VS

7 JEFF YOUNG

)
)NO.1:19-cr-10040
)JACKSON, TENNESSEE
)
)

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10 Dated this 25th day of May, 2019.
11
12
13

14 -----
15 Kristi Heasley, RPR
16 Official Court Reporter
17 United States District Court
18 Western District of Tennessee
19 Eastern Division
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